

6455. Misbranding of Dr. Fahrney's Teething Syrup. U. S. * * * v. Howard Fahrney (D. Fahrney & Son). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 8704. I. S. No. 1837-p.)

On August 14, 1918, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Howard Fahrney, trading as D. Fahrney & Son, Hagerstown, Md., alleging shipment on or about July 24, 1917, by said defendant, in violation of the Food and Drugs Act, as amended, from the State of Maryland into the State of Virginia, of a quantity of an article labeled in part, "Dr. Fahrney's Teething Syrup," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product was a dark brownish-red, thick, sirupy liquid of a sweet flavor suggesting licorice, but no glycyrrhizin could be identified. Odor suggested oil of wintergreen and anise. It contained about 52 per cent solid matter, mostly sugar, about 11 per cent alcohol, and some morphine and chloroform.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements, included in the leaflet accompanying the article, falsely and fraudulently represented it as a treatment, remedy, and cure for teething and cholera infantum, summer complaint, and dysentery in children; to allay the inflammation, remove the congestion, and bring back the natural secretions in diarrhea, cholera infantum, summer complaint, and dysentery in children; as a treatment, remedy, and cure for colic and griping in children; to correct the weakness of the bowel muscles in children, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that certain statements included in the leaflet accompanying the article falsely and fraudulently represented that it was a medicine which could be administered to children without harmful effect, whereas, in truth and in fact, it was not a medicine which could be administered to children without harmful effect, but was a product which contained morphine, which rendered the article harmful in its effect on children.

On August 14, 1918, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

J. R. RIGGS, *Acting Secretary of Agriculture.*